

Gabriel Randolph,  
Plaintiff,  
vs.  
Officer Jeffery, Sgt. C. Williams, Officer  
Ben Outlaw, and Captain Miller,  
Defendants.

On April 16, 2009, Plaintiff filed a motion for temporary restraining order (Entry 29), to which Defendants filed a response on July 27, 2009. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On August 21, 2009, the Magistrate Judge issued a Report and Recommendation in which he determined that Plaintiff had failed to make the required showing for issuance of a temporary restraining order. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or

in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Plaintiff's motion for temporary restraining order (Entry 29) is **denied**. The case is recommitted to the Magistrate Judge for further pretrial handling.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

September 14, 2009.